



Supreme Court of Appeals State of West Virginia

News

Administrative Office
1900 Kanawha Blvd., East
Bldg. 1, Room E-316
Charleston, West Virginia 25305
(304) 340-2305 Jennifer Bundy
(304) 340-2306 April Harless
(304) 558-4219 / TTY
(304) 558-1212 / FAX
Web Site: www.courtsvw.gov
Twitter: [WVCourts](https://twitter.com/WVCourts)
Information Services Division
Email: Jennifer.Bundy@courtsvw.gov
Email: April.Harless@courtsvw.gov

Three justices to attend treatment court event, welcome Judge Gaughan back to work

For immediate release Wednesday, June 13, 2012

WELLSBURG, W.Va. – Three Supreme Court Justices will attend a ceremony at 1:45 p.m. on Monday, June 18, at the Brooke County Courthouse in Wellsburg to celebrate the opening of a program to help veterans with emotional challenges who have committed non-violent crimes. They also will welcome back to work First Circuit Judge Martin J. Gaughan, who has been on medical leave recovering from a stroke.

The new program will be an expansion of the existing mental health court, which will be renamed the Northern Panhandle Mental Health and Veterans Treatment Court.

Justice Robin Jean Davis, Justice Brent D. Benjamin, and Justice Thomas E. McHugh, who served in the U.S. Army from 1958 to 1961, will attend.

Judge Gaughan, who had a stroke November 12, 2011, gradually will return to work after Monday.

“I don’t have any real timetable,” Judge Gaughan said Wednesday, June 13. “It depends on how well I can handle the job and how I am doing. I will return to work handling the drug and mental health court first and pick up the rest of my docket gradually.”

Judge Gaughan is considered the judicial founder of community corrections and adult treatment courts in West Virginia.

“The addition of the veterans’ court allows us to offer the same services as any metropolitan city in the country,” Judge Gaughan said. “I’m very proud of Jim Lee and federal authorities for putting this together now.” Jim Lee is a decorated Vietnam veteran who has served since 1972 as the Chief Probation Officer for the First Circuit (Brooke, Hancock, and Ohio Counties).

The veteran’s track is the first program of its kind in the state and is the result of collaboration with the U.S. Department of Veterans Affairs. It is designed to help non-violent criminal offenders who have been diagnosed with a mental illness, like post-traumatic stress disorder, so they can receive treatment in lieu of incarceration.

Each participant will have a court-trained veteran mentor. The veteran mentor is not part of the treatment team, but is a volunteer who understands what the veteran participant has gone through in combat and the culture of the military. The mentor will act as a “battle buddy” as the veteran participant makes the difficult changes needed to his or her life to succeed in the program.

The Veterans Administration will supply a Veteran's Justice Outreach Specialist, or "VJO," who will be part of the mental health court team. The VJO will provide a connection and information between the VA treatment and the court on each veteran participant as well as keep the court updated on services available through the VA. Similarly, the local Vet Center in Bethlehem, W.Va., also will provide a representative to the mental health court treatment team to keep the court and treatment team updated on treatment and rehabilitative services provided by the Vet Center to veteran participants in the program.

Otherwise, the requirements for veterans will be the same as the requirements for other participants in the mental health court.

The mental health court is a special court program that diverts non-violent criminal offenders from the criminal justice system who have been diagnosed with a mental illness. Offenders undergo both a professional mental health evaluation by a licensed psychologist and a personal risk assessment before being accepted.

Offenders must be charged with misdemeanors and/or non-violent felonies; those charged with crimes against children and sex crimes are excluded. Offenders must be stable enough to understand and comply with the program requirements, and they must not pose an unacceptable risk to either the program staff or the community. Participants must attend assigned mental health and other treatment and abstain from criminal behavior. Participating offenders are closely supervised.

The length of court supervision and regular periodic review continues up to the maximum allowable sentence or probation for the charged offense, or until completion of the prescribed treatment plan by the offender, if sooner. The typical participation time is approximately one year. Successful completion of the treatment plan results in dismissal or reduction of charges and reduced or deferred sentencing.

Upon graduation, participants are encouraged to voluntarily continue treatment and services in the community. Case management is transferred to the applicable regional mental health facility for continuity of care or, for veterans, to the VA for continuity of care.

The goals of the mental health court are to prevent criminalization of mental illness and to decrease mentally ill offenders' frequency of contact with the criminal justice system by improving their mental health treatment and by providing stable employment, housing, and social support services.

##